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| LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201 | | | EXAMINER NGUYEN, PHU K | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

09/761,558

Applicant(s)

SNYDER ET AL.

Examiner

PHU NGUYEN

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG-06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-73 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-73 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent (see *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) and recent Federal Circuit decisions (see *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008)) indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

The method of claim 1 does not explicitly connect to a statutory apparatus; furthermore, its steps of providing can be manually or mentally performed without a use of statutory apparatus; therefore, claim 1 is rejected as non statutory under 35 USC 101. Similarly, claims 2-21, 68-71 are rejected under the same reason. To overcome this rejection, a phrase such as "performed by a computer system" must be added after method (line 1).

The "computer-readable medium" of claim 22 can be the wave carrier embodying the computer instructions which is non-statutory under 35 USC 101. It should be amended to show "a non-transitory storage medium performed by a processor" to overcome this rejection. Similarly, claims 22-42, 72-73 are rejected under the same reason.

The claimed "apparatus" of claim 43 containing "logic" which can be computer instructions is non-statutory under 35 USC 101. Similarly, claims 44-64 are rejected under a similar reason.

The claimed "polar-capped map set" of claims 65-67 can just a paper map which is non-statutory under 35 USC 101.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over WESCOTT et al (5,341,463).

As per claim 1, Wescott teaches the claimed "method" comprising: providing a first texture map for a first portion of a three-dimensional surface, the first texture map being associated with a first mapping technique" (Wescott, Map projection, figure 7); and "providing a second texture map for a second portion of the three-dimensional surface, the second texture map being associated with a second mapping technique"

(Wescott, figure 33; column 8, line 58 to column 9, line 17, column 10, lines 5-18). It is noted that Wescott does not explicitly teach "the second map technique is different from the first mapping technique" as claimed. However, Wescott's azimuthal, cylindrical projectors (column 1100, lines 26-36) suggests the use of projectors with different properties (e.g., figure 15, Equirectangular projection for the areas at the equator and figure 33, poplar orthogonal projector for the area at the polar-capped map). The motivation of using different projectors is the apply of well known projectors with different properties to yield a predictable result.

Claim 2 adds into claim 1 "the first texture map includes cylindrical projection information for the first portion, and the second texture map includes azimuthal projection information for the second portion" (Wescott, figures 15 and 33).

Claim 3 adds into claim 2 "providing a third texture map for a third portion of the three-dimensional surface, the third texture map being associated with the second mapping technique, and wherein the third texture map includes azimuthal projection information for the third portion" (Wescott, column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claim 4 adds into claim 3 "wherein the cylindrical projection information includes plane-chart projection information" which is just a design choice in view of Wescott's well known cylindrical projections (Wescott, column 1100, lines 26-36, column 8, line 58

to column 9, line 17, column 10, lines 5-18).

Claim 5 adds into claim 3 "wherein the azimuthal projection information includes equidistant projection information" which is just a design choice in view of Wescott's well known azimuthal projections (Wescott, column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claims 6-9 add into claim 2 the details of projections which are widely known in the art (official notice) and used in the claimed projections are mere design choice.

Claim 10 adds into claim 1 "wherein the first texture map includes Mercator projection information for the first portion, and the second texture map includes stereographic projection information for the second portion" (" which is just a design choice in view of Wescott's well known cylindrical projections" (Wescott, column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claims 11-13 add into claim 10 the details of projections which are widely known in the art (official notice) and used in the claimed projections are mere design choice.

Claim 14 adds into claim 3 "the cylindrical projection information includes information selected from at least one type of projection information selected from a group comprising plane-chart projection information, equal area information, and

Mercator information" (Wescott, figure 20).

Claim 15 adds into claim 3 "wherein the azimuthal projection information includes information selected from at least one type of projection information selected from a group comprising equidistant projection information, stereographic projection information, gnomonic projection information, and equal area projection information" (Wescott, column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claim 16 adds into claim 3 "wherein the first portion is significantly adjacent to both the first and second portions, such that the first portion separates the second and third portions" (Wescott, figure 23; column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claim 17 adds into claim 1 "wherein the three-dimensional surface is curvilinear" (Wescott, the spherical map with the latitude/longitude lines; figure 7).

Claim 18 adds into claim 1 "wherein the three-dimensional surface includes a spherical surface" (Wescott, the spherical map; figure 7).

Claim 19 adds into claim 1 "wherein providing the first texture map further includes generating the first texture map using the first mapping technique, and

providing the second texture map further includes generating the second texture map using the second mapping technique" (Wescott, figures 15, 33; column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claim 20 adds into claim 1 "wherein at least one of the first and second texture maps includes information based on a rectangular sampling matrix" (Wescott, depends on the projections 1-15, figure 15; column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claim 21 adds into claim 1 "wherein at least one of the first and second texture maps includes information based on a hexagonal sampling matrix" (Wescott, depends on the projections 1-15, figure 15; column 1100, lines 26-36, column 8, line 58 to column 9, line 17, column 10, lines 5-18).

Claim 68-69 are similar to claims 1-21, but claim a specific "low-distortion area preserving map" which is a well known projection map (as showed in Applicant's Specification, pages 32-33)

Claims 22-67, 70-73 claim a computer readable medium, apparatus with logic, map set, method based on the method of claims 1-21; therefore, they are rejected under the same reason.

Due to new ground of the rejection, this action has been made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHU NGUYEN whose telephone number is (571)272-7645. The examiner can normally be reached on M-F/8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272 7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Phu K. Nguyen/
Primary Examiner, Art Unit 2628